

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Patent Application No. 09/977,387

REMARKS

Claims 1-21 are all the claims pending in the application. Upon entry of this Amendment, claims 1-3, 5-14, 16 and 18-21 are amended. No new matter is presented.

Initially, Applicant notes that the Examiner has not indicated acceptance of the drawings filed on October 16, 2001 and has not acknowledged the claim for foreign priority, as requested in the previous Response of March 18, 2005. The Examiner is respectfully reminded to indicate acceptance of the drawings and to acknowledge the foreign priority claim in the next action.

Claims 1-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dworkin (U.S. Patent No. 4,992,940) in view of Amazon.com. This ground of rejection is traversed.

Independent claims 1, 10 and 19

Independent claims 1, 10 and 19 respectively define a method, system and computer readable storage medium which determines a selling price in a network system. As defined by these claims, an order is placed at a buyer terminal by sending a product identifier which specifies a product to be ordered, an order quantity of the product and a delivery date for delivery of the product to the order-receiving center terminal. Further, a final selling price of the product which is ordered is determined based on a standard selling price of the product, a period from time of order to the delivery date and a total order quantity of the product for the delivery date which is specified, the total order quantity including previously accepted orders of the product for the delivery date and subsequently accepted orders of the product for the delivery date which are accepted before acceptance of orders of said product for said delivery date is closed. The

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final selling price which is determined is sent to, among a plurality of product supplier terminals, a product supplier terminal of a product supplier which provides the product which is ordered. Also, the product supplier terminal receives the final selling price which is sent from the order-receiving center terminal.

Applicant submits that features of claims 1, 10 and 19 are neither taught nor suggested by the combination of Dworkin and Amazon.com.

For instance, Dworkin teaches a system for providing information from various suppliers corresponding to a user's search criteria for a particular type of product. After receiving the information from the various suppliers, the user may choose to order a particular product from among those listed. The system of Dworkin receives this order and forwards it to the specified supplier. (Dworkin at column 7, line 23 - column 8, line 37).

However, the ordering system of Dworkin fails to teach or suggest *at least* the limitation of "determining, at the order-receiving center terminal, a final selling price of the product which is ordered by the buyer terminal based on a standard selling price of the product which is ordered, a period from time of order to the delivery date and a total order quantity of the product for the delivery date which is specified, said total order quantity including previously accepted orders of the product for the delivery date and subsequently accepted orders of the product for the delivery date which are accepted before acceptance of orders of said product for said delivery date is closed". Rather, Dworkin simply presents pricing information from a supplier which may include prices for different quantities of the item. (see Dworkin at Fig. 7). However, there is no suggestion that Dworkin determines a final selling price in the manner claimed, in which the

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final selling price is determined in part, based on a “total order quantity of the product for the delivery date which is specified” in which the total order quantity includes “previously accepted orders of the product for the delivery date and subsequently accepted orders of the product for the delivery date which are accepted before acceptance of orders of said product for said delivery date is closed.” Dworkin merely teaches providing “the price of the product, including possible quantity discounts.” (Dworkin at column 7, lines 38-40). Stated differently, Dworkin merely displays a price of an item for a single transaction which may have different prices for different quantities, but Dworkin does not suggest that the price which is displayed is in any way determined based on a specified delivery date, nor does Dworkin suggest that the price is determined based on a total order quantity which includes previously accepted orders and subsequently accepted orders of the product for the specified delivery date.

Nor does Amazon.com teach or suggest the features which are deficient in Dworkin. The Amazon.com reference merely teaches that shipping costs for orders depend upon the method and option chosen. (see Amazon.com reference at the “Help/Shipping” page). Amazon.com therefore fails to suggest the claimed final selling price determination.

Accordingly, even assuming *arguendo* that the motivation to combine Amazon.com with Dworkin is proper, the combination fails to teach or suggest all the limitations of claims 1, 10, and 19. Thus, reconsideration and withdrawal of this ground of rejection is respectfully requested.

Further, Applicant submits that claims 4, 5, 13 and 14 are allowable at least by virtue of depending from claims 1 and 10, respectively.

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Independent claims 2, 11 and 20

Independent claims 2, 11 and 20 define a method, system and computer readable storage medium which determines a selling price in a network system which includes the feature of determining the final selling price in the manner discussed above with respect to claims 1, 10 and 19. Applicant submits that the above arguments are therefore equally applicable to the rejection of claims 2, 11 and 20 and the combination of Dworkin and Amazon fails to teach or suggest *at least* this feature.

Moreover, claims 2, 11 and 20 further require that the base price of the product in a delivery-date-basis price menu for the delivery date is reset “based on a currently accepted total order quantity of the product for the delivery date which is specified, said currently accepted total order quantity including previously accepted orders of the product for the desired delivery date, and a period from present time to the delivery date.” Neither Dworkin nor Amazon.com teach or suggest resetting base prices in the manner claimed.

Accordingly, reconsideration and withdrawal of the rejection of claims 2, 11 and 20 is requested. Further, Applicant submits that claims 6, 7, 15 and 16 are allowable at least by virtue of depending from claims 2 and 11, respectively.

Independent claims 3, 12 and 21

The above arguments are equally applicable to the rejection of claims 3, 12, and 21, which also recite the claimed final selling price determination and resetting of the base price. Further, claims 3, 12 and 21 additionally require estimation of a price upon receiving an

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estimation request “based on a standard selling price of the product to be estimated, a currently accepted total order quantity of the product to be estimated for the desired delivery date, said currently accepted total order quantity including previously accepted orders of the product for the desired delivery date and the order quantity sent with the estimation request, and a period from present time to the delivery date.”

Neither Dworkin nor Amazon.com teach or suggest this feature. As noted above, Dworkin merely displays pricing information for a particular supplier for a single transaction. There is no contemplation in Dworkin that a price is estimated based, in part, on a currently accepted total order quantity, as defined by the claims. Amazon.com is similarly deficient, as the reference merely suggests that shipping costs for orders depend upon the method and option chosen.

Accordingly, reconsideration and withdrawal of the rejection of claims 3, 12 and 21 is requested. Further, Applicant submits that claims 8, 9, 17 and 18 are allowable at least by virtue of depending from claims 3 and 12, respectively.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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23373

CUSTOMER NUMBER

Date: August 31, 2005